

AMENDED IN SENATE JULY 5, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN SENATE JUNE 13, 2005

Senate Constitutional Amendment

No. 3

Introduced by Senators Lowenthal and Ashburn

(Principal coauthor: Senator Simitian)

**(~~Coauthors: Senators Alquist, Kehoe, Scott, and Soto~~ Coauthor:
Senator Romero)**

(~~Coauthors: Assembly Members Benoit, Harman, and Wolk~~)

December 6, 2004

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of, and adding Sections 23 and 24 to, Article IV thereof, and by amending Section 1 of Article XXI thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as amended, Lowenthal. Legislative process.

(1) The California Constitution specifies various procedures for the operation of the Senate and the Assembly.

This measure would require each Member of the Legislature to conduct at least 2 town hall meetings each calendar year within the district he or she represents to discuss legislative issues.

(2) Existing provisions of the California Constitution require the Governor to submit annually to the Legislature a budget for the ensuing year, and prescribe a date by which the Legislature must pass a Budget Bill, as specified.

This measure would prohibit the Senate or the Assembly from commencing a summer recess until the Budget Bill has been passed.

(3) Existing provisions of the California Constitution require the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and Board of Equalization districts in accordance with specified standards.

This measure would establish the Citizen's Commission on Boundaries and Accountability, composed of 7 members selected as specified, who would each serve a 3-year term. This measure would require the commission to adopt redistricting plans for congressional, Assembly, Senate, and Board of Equalization districts of equal population, as specified.

This measure would also require the commission to make recommendations to improve existing legislative procedures, including enhancing access to legislative records, and would require, except as specified, that the records of the commission be open to public inspection.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2005-06 Regular
3 Session commencing on the sixth day of December 2004,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—(a) The Legislature finds and declares that the people
8 of the State of California have expressed their desire that the
9 Legislature take steps to enhance government responsiveness,
10 restore trust through transparency, and eliminate barriers to
11 access and participation.

12 (b) It is the intent of the Legislature that this Constitutional
13 Revision will accomplish these goals by creating an impartial and
14 independent Citizen's Commission on Boundaries and
15 Accountability.

16 (c) It is the intent of the Legislature that this commission
17 ~~establish and adopt plans to adjust the boundary lines of~~ *for* the
18 Senatorial, Assembly, congressional, and Board of Equalization
19 districts in conformance with objective and impartial criteria.

1 (d) It is the intent of the Legislature that this commission also
2 review and make recommendations regarding legislative
3 procedures and enhancing access to legislative records.

4 (e) It is the intent of the Legislature that this Constitutional
5 Revision further accomplish these stated goals by requiring all of
6 the following:

7 (1) Each Member of the Legislature shall conduct at least two
8 town hall meetings in his or her district each calendar year.

9 (2) The Senate and the Assembly shall approve the Budget
10 Bill before adjourning for summer recess.

11 Second—That Section 12 of Article IV thereof is amended to
12 read:

13 SEC. 12. (a) Within the first 10 days of each calendar year,
14 the Governor shall submit to the Legislature, with an explanatory
15 message, a budget for the ensuing fiscal year containing itemized
16 statements for recommended state expenditures and estimated
17 state revenues. If recommended expenditures exceed estimated
18 revenues, the Governor shall recommend the sources from which
19 the additional revenues should be provided.

20 (b) The Governor and the Governor-elect may require a state
21 agency, officer, or employee to furnish whatever information is
22 deemed necessary to prepare the budget.

23 (c) (1) The budget shall be accompanied by a budget bill
24 itemizing recommended expenditures.

25 (2) The budget bill shall be introduced immediately in each
26 house by the persons chairing the committees that consider the
27 budget.

28 (3) The Legislature shall pass the budget bill by midnight on
29 June 15 of each year.

30 (4) Until the budget bill has been enacted, the Legislature shall
31 not send to the Governor for consideration any bill appropriating
32 funds for expenditure during the fiscal year for which the budget
33 bill is to be enacted, except emergency bills recommended by the
34 Governor or appropriations for the salaries and expenses of the
35 Legislature.

36 (d) No bill except the budget bill may contain more than one
37 item of appropriation, and that for one certain, expressed
38 purpose. Appropriations from the General Fund of the State,
39 except appropriations for the public schools, are void unless

1 passed in each house by rollcall vote entered in the journal,
2 two-thirds of the membership concurring.

3 (e) The Legislature may control the submission, approval, and
4 enforcement of budgets and the filing of claims for all state
5 agencies.

6 (f) For the 2004-05 fiscal year, or any subsequent fiscal year,
7 the Legislature may not send to the Governor for consideration,
8 nor may the Governor sign into law, a budget bill that would
9 appropriate from the General Fund, for that fiscal year, a total
10 amount that, when combined with all appropriations from the
11 General Fund for that fiscal year made as of the date of the
12 budget bill's passage, and the amount of any General Fund
13 moneys transferred to the Budget Stabilization Account for that
14 fiscal year pursuant to Section 20 of Article XVI, exceeds
15 General Fund revenues for that fiscal year estimated as of the
16 date of the budget bill's passage. That estimate of General Fund
17 revenues shall be set forth in the budget bill passed by the
18 Legislature.

19 (g) (1) The Senate may not commence a summer recess until
20 the budget bill has been passed by the Senate.

21 (2) The Assembly may not commence a summer recess until
22 the budget bill has been passed by the Assembly.

23 (3) For purposes of this subdivision, the passage of the budget
24 bill is deemed to occur when a bill is passed by that house that
25 makes appropriations for the support of the government of the
26 State for the entire fiscal year.

27 Third—That Section 23 is added to Article IV thereof, to read:

28 SEC. 23. (a) The Citizen's Commission on Boundaries and
29 Accountability is hereby established. The commission shall
30 establish and adopt plans for congressional, Assembly, Senate,
31 and Board of Equalization districts as specified by Article XXI.
32 The commission also shall assess existing legislative procedures,
33 and adopt resolutions making recommendations to improve those
34 procedures, including enhancing access to legislative records.
35 Each member shall serve a term of three years. All members
36 shall be appointed between January 1, 2010, and July 1, 2010,
37 and, thereafter, on or before July 1 of each year ending in a zero.

38 (b) The commission shall consist of seven members. No two
39 or more members may reside in the same county. Each member
40 shall be a California voter who has been continuously registered

1 with the same political party, or has not been registered with any
2 political party, for three or more years immediately preceding
3 appointment. Each member shall commit to applying this section
4 in an honest, independent, and impartial fashion and to upholding
5 public confidence in the integrity of the redistricting process.
6 Within the three years immediately preceding appointment, a
7 member may not have been appointed or elected to, or have been
8 a candidate for, any public office ~~other than school district~~
9 ~~governing board member or other officer of a school district or~~
10 ~~county office of education~~, and may not have served as an officer
11 of a political party, as a registered paid lobbyist, or as an officer
12 of a candidate's campaign committee. *Legislative and*
13 *congressional staff, consultants and contractors to the*
14 *Legislature, and any person with a financial or family*
15 *relationship with a Member of the Legislature, Member of*
16 *Congress, or member of the Board of Equalization is not eligible*
17 *to serve as members of the commission. A member of the*
18 *commission shall be ineligible, during his or her term of office,*
19 *and for three years thereafter, for public office in this State and*
20 *for registration as a paid lobbyist. The appointments made*
21 *pursuant to paragraphs (6) and (7) of subdivision (c) shall not*
22 *result in the commission having more than three members*
23 *affiliated with the same political party.*

24 (c) Each of the following may, in the order listed below,
25 appoint one member to the commission:

- 26 (1) The Governor.
- 27 (2) The President pro Tempore of the Senate.
- 28 (3) The Speaker of the Assembly.
- 29 (4) The Senate Minority Leader.
- 30 (5) The Assembly Minority Leader.
- 31 (6) The California Judicial Council.
- 32 (7) The President of the University of California.

33 (d) The appointing authorities shall make every effort to
34 ensure that the members of the commission are representative of
35 California's racial, ethnic, cultural, and gender diversity.

36 (e) The members of the commission shall select by majority
37 vote one of their members to serve as chairperson and one of
38 their members to serve as vice chairperson.

39 (f) After having been served written notice and provided with
40 an opportunity for a response, a member may be removed by the

1 Governor, with the concurrence of two-thirds of the Senate by
2 rollcall vote entered into the journal, for substantial neglect of
3 duty, gross misconduct in office, or inability to discharge the
4 duties of office.

5 (g) If a member vacates his or her office for any reason prior
6 to completion of the term, the appointing authority shall, within
7 30 days of the vacancy, and subject to the conditions set forth in
8 subdivision (b), appoint a new member to fill the vacancy. The
9 appointee shall serve the remainder of the unexpired term.

10 (h) Four members, one of whom is the chairperson or vice
11 chairperson, constitute a quorum. Four or more affirmative votes
12 are required for any official action. The commission shall
13 conduct business only in meetings open to the public, and shall
14 provide not less than four days' public notice of each meeting,
15 except that closed sessions may be held solely for any of the
16 following purposes:

17 (1) To consider the appointment, employment, evaluation of
18 performance, or dismissal of a public officer or employee, to
19 consider or hear complaints or charges brought against a member
20 of the commission or other public officer or employee, or to
21 establish the classification or compensation of an employee of
22 the commission.

23 (2) To confer with, or receive advice from, its legal counsel.

24 (i) (1) Expenses for the commission shall be paid for out of
25 the operating funds of the Senate and Assembly, ~~except that the~~
26 ~~amount appropriated for the commission's expenses shall not~~
27 ~~exceed 40 percent of the amount expended by the Legislature in~~
28 ~~creating the 2001 district boundaries, as determined by the~~
29 ~~Legislative Analyst and adjusted decennially by the California~~
30 ~~Consumer Price Index..~~

31 (2) For purposes of this subdivision, expenses include the
32 costs of member travel, per diem, staff, counsel, office space, and
33 any activities necessary to perform the work of the commission.

34 (j) The records of the commission and all data considered by
35 the commission are public records, open to inspection by
36 members of the public upon request, except that the commission
37 may withhold from public inspection preliminary drafts, notes,
38 and communications between members.

39 (k) The Supreme Court has original and exclusive jurisdiction
40 in all proceedings where a plan adopted by the commission is

challenged. To challenge a redistricting plan, a resident of a challenged district shall commence an action for injunctive or other relief within 45 days after the commission has certified the district to the Secretary of State. The Supreme Court shall rule on any challenge within 90 days after an action challenging a redistricting plan is commenced. If the Supreme Court determines that a redistricting plan adopted by the commission violates this Constitution, the United States Constitution, or any federal statute, the Supreme Court shall, within 90 days, prepare and adopt a revised redistricting plan in accordance with the standards set forth in this section.

(l) The provisions of this section are self-executing.

Fourth—That Section 24 is added to Article IV thereof, to read:

SEC. 24. (a) Each Member of the Legislature shall conduct at least two town hall meetings each calendar year within the district he or she represents.

(b) For purposes of this section, a “town hall meeting” is a publicly noticed meeting that a Member of the Senate or Assembly invites his or her constituents to attend to discuss legislative issues.

Fifth—That Section 1 of Article XXI thereof is amended to read:

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Citizen’s Commission on Boundaries and Accountability shall ~~adopt plans to adjust the boundary lines of~~ *establish and adopt plans for* the Senatorial, Assembly, congressional, and Board of Equalization districts. The redistricting plans adopted shall be in conformance with the following standards and prioritized in the following order:

(a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district.

(b) The population of all districts of a particular type ~~may not deviate from the following limitations:~~

~~(1) Plus or minus one person for each Senate, congressional, and Board of Equalization district.~~

~~(2) Plus or minus seven persons for each Assembly district.~~ *shall be as equal as practicable provided that the population*

1 *deviation between districts do not exceed federal constitutional*
2 *standards.*

3 (c) Districts shall comply with the Constitution of the United
4 States and the federal Voting Rights Act of 1965 (42 U.S.C. Sec.
5 1971 et seq.).

6 (d) *Districts shall be geographically compact to the extent*
7 *practicable and must reflect communities of interest.*

8 (e) *The geographical integrity of any city, county, or city and*
9 *county, or of any geographical region shall be respected to the*
10 *extent possible without violating the requirements of any other*
11 *subdivision of this section.*

12 ~~(d)~~

13 (f) Every district shall be contiguous.

14 ~~(e)~~

15 (g) Districts of each type shall be numbered consecutively
16 commencing at the northern boundary of the State and ending at
17 the southern boundary, except that any Senate district that
18 contains 60 percent or more of population of an area previously
19 assigned an odd district number shall be assigned an odd number
20 regardless of geographic location, and any district that contains
21 60 percent or more of population of an area previously assigned
22 an even district number shall be assigned an even number
23 regardless of geographic location.

24 ~~(f) The geographical integrity of any city, county, or city and~~
25 ~~county, or of any geographical region shall be respected to the~~
26 ~~extent possible without violating the requirements of any other~~
27 ~~subdivision of this section.~~

28 ~~(g) Districts shall be geographically compact to the extent~~
29 ~~practicable and must reflect geographic communities of interest.~~